

# RESOLUTION NO. 09 05 05

## AUTHORIZING THE PAYMENT OF THE REMAINING \$102,000.00 TO SEAGULL FORT MORGAN LLC FOR SUBSTANTIAL COMPLETION OF THE PUBLIC IMPROVEMENTS IN THE RIVERVIEW COMMONS GENERAL IMPROVEMENT DISTRICT ("GID")

**WHEREAS**, previously in March 2009, the Board of Directors for the Riverview Commons General Improvement District ("GID") authorized the President of the Board to sign an agreement with Seagull Fort Morgan LLC ("Seagull") authorizing partial payment for progress payments on the public improvements in the GID; and,

**WHEREAS**, The Agreement required Seagull to complete the remaining public improvements in a punch list to the satisfaction of the City Engineer on or before May 1, 2009 in order to receive the payment of \$102,000.00 which was retained by the GID for surety; and,

**WHEREAS**, Seagull has substantially completed the public improvements to the satisfaction of the City Engineer; and,

**WHEREAS**, Seagull has requested that the GID Board authorize the final payment of \$102,000.00 for the construction of public improvements within the GID.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Fort Morgan, Colorado that:

Section 1. That the Board of Directors for the GID hereby authorizes the final payment of \$102,000.00 to Seagull from bond monies pledged for the construction of public improvements in the GID.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of May, 2009, the vote upon roll call being as follows:

Ayes: President Darnell; Directors Deal, McAlister, Powers, Schafer and Simmons.

Nays: None.

Absent / Abstain: Director Shaver.

THE BOARD OF THE GENERAL  
IMPROVEMENT DISTRICT OF THE  
CITY OF FORT MORGAN,  
COLORADO

[ SEAL ]

BY: Jack Daniel  
President

ATTEST:  
Cheryl Winberg  
Secretary

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss.  
CITY OF FORT MORGAN )

**CERTIFICATE**

I, Cheryl Winberg, Secretary, do hereby certify and attest that the foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the Council of Fort Morgan, Colorado, sitting as the Board of Directors for the Riverview Commons General Improvement District, and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan this 20<sup>th</sup> day of May, 2009.

Cheryl Winberg  
Cheryl Winberg, Secretary